

REMARKS

Applicants will address each of the rejections in the order in which they appear in the Final Rejection.

Claim Rejections - 35 USC §102

Matsumoto et al.

In the Final Rejection, the Examiner rejects Claims 15-17, 19-33 and 35-47 under 35 USC §102(b) as anticipated by or, in the alternative, under 35 USC §103(a) as obvious over Matsumoto et al. (US 2005/0098207). This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claims 15, 16 and 32 to include the feature of dependent Claim 18 of “wherein the transparent conductive film comprises at least one material selected from the group consisting of indium tin oxide, indium tin oxide containing silicon, and indium oxide containing zinc oxide by 2 to 20%.”

This feature is not disclosed in Matsumoto (which is confirmed by the fact that the Examiner did not reject Claim 18 as anticipated by Matsumoto, see below).

Therefore, amended independent Claims 15, 16, 32 and those claims dependent thereon are not anticipated by Matsumoto, and it is respectfully requested that this rejection be withdrawn.

In addition, as explained below, amended independent Claims 15, 16 and 32 are not disclosed or suggested by the cited references and are patentable thereover. Accordingly, it is respectfully requested that these claims be allowed.

Forrest et al.

The Examiner also rejects Claims 32-38, 42-44 and 47 under 35 USC §102(b) as anticipated by or, in the alternative, under 35 USC §103(a) as obvious over Forrest et al (US 5,703,436). This rejection is also respectfully traversed.

While Applicants traverse this rejection, as explained above, in order to advance the prosecution of this application, Applicants are amending independent Claim 32 to include the feature of dependent Claim 18 of “wherein the transparent conductive film comprises at least one material selected from the group consisting of indium tin oxide, indium tin oxide containing silicon, and indium oxide containing zinc oxide by 2 to 20%.” In addition, Applicants are amending Claim 32 to recite the feature of “wherein the fourth layer is in direct contact with the third layer and the cathode.” This feature is supported by, for example, at least Figs. 1, 3 and 4 in the present application.

In contrast, this feature is not disclosed or suggested by Forrest as the Examiner contends that in Fig. 2A in Forrest, middlemost layer 26I corresponds to the third layer, layers 21H or 22H correspond to the fourth layer, and topmost layer 26M corresponds to the cathode. However, if layer 21H is alleged to correspond to the fourth layer, it is not in direct contact with alleged cathode 26M. If layer 22H is alleged to correspond to the fourth layer, it is not in direct contact with alleged third layer 26I.

In addition, amended Claim 32 would not be obvious in view of Forrest for at least the reasons discussed *infra* for the rejection of dependent Claim 18.

Therefore, independent Claim 32 is not disclosed or suggested by Forrest, and Claim 32 and those claims dependent thereon are patentable over Forrest. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim Rejections - 35 USC §103

Claims 18 and 34

The Examiner also rejects Claims 18 and 34 under 35 USC §103(a) as being unpatentable over Matsumoto in view of Forrest. This rejection is also respectfully traversed.

Initially, Applicants note, as explained above, that independent Claims 15, 16 and 32 have been amended to include the feature of dependent Claim 18 of “wherein the transparent conductive film comprises at least one material selected from the group consisting of indium tin oxide, indium tin oxide containing silicon, and indium oxide containing zinc oxide by 2 to 20%.” In the rejection of Claim 18, the Examiner contends that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the light emitting device as taught by Matsumoto et al. with using ITO for the transparent conductive film as taught by Forrest et al.” Applicants respectfully disagree.

More specifically, in Forrest, ITO layers 26I are merely used as part of the electrodes (i.e. ITO/metal layers 26) of each LED. In contrast, layer 76 of V₂O₅:CuPc or layer 77 of CuPc in Matsumoto (which the Examiner alleges corresponds to the claimed third layer) are not electrodes. In particular, copper phthalocyanine (CuPc) is a pigment (see e.g. paragraphs [0135] - [0136] in Matsumoto). Hence, layer 76 of V₂O₅:CuPc or layer 77 of CuPc of Matsumoto and the ITO layer 26I of Forrest are completely different types of layers. Therefore, there is no reason to replace layer 76 of V₂O₅:CuPc or layer 77 of CuPc of Matsumoto with the ITO layer 26I of Forrest. Since there is no reason to make this substitution, the combination of references to reject the claimed invention is improper.

Therefore, amended independent Claims 15, 16 and 32 are patentable over the cited references.

Applicants are also amending Claim 18 to recite the feature that “the transparent conductive film is not in direct contact with the reflective metal.” This feature is supported by, for example, at least paragraph [0017] of the published application of the present application (US 2007/0090376).

For at least the above-stated reasons, it is respectfully requested that this rejection be withdrawn.

Claims 39-41 and 45-46

The Examiner also rejects Claims 39-41 and 45-46 under 35 USC §103(a) as being unpatentable over Forrest and further in view of Ishihara et al (US 2003/0048072). This rejection is also respectfully traversed.

Each of these claims is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, each of these claims is also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

New Claim

Applicant is also adding new dependent Claim 48. This claim is supported by, for example, at least paragraph [0029] of the published application of the present application (US 2007/0090376).

As this is a dependent claim, it is allowable for at least the reasons discussed above for the independent claims. Accordingly, it is respectfully requested that this new claim be entered and allowed.

If any fee should be due for this new claim, please charge our deposit account 23/0920.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment and/or the new claim, please charge our deposit account 23-0920.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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